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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

URUGUAY

1. The Committee considered the initial report of Uruguay (E/1990/5/Add.7) at its 3rd, 4th, 6th and 13th meetings, held on 3, 4 and 10 May 1994, and adopted* the following observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for submitting a report in September 1991 and of a core document in 1992. However, it regrets the delay between the submission of the report and its consideration by the Committee, due to the State party's request to defer that consideration for two sessions. The Committee also regrets that certain matters were not fully clarified during the initial dialogue with the State party. The Committee therefore requests the State party to provide it with written replies on the problems identified and to transmit that information to the Centre for Human Rights by 30 September 1994.

B. Positive aspects

3. The Committee notes with satisfaction that a number of rights guaranteed by the Covenant have been incorporated in Uruguay's legislation, and in particular its Constitution. It also takes note of the concrete measures taken to comply with the obligations laid down in the Covenant. In that

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* At its 25th meeting (tenth session), held on 19 May 1994.

connection, it welcomes the progress made by the State party in ensuring free primary education for all and in making secondary and higher education free of charge and more accessible to all. In addition, the Committee notes with satisfaction that the State party has adopted social security measures aimed at off-setting the adverse consequences for the enjoyment of economic, social and cultural rights of the economic recession and the structural adjustments entailed by Uruguay's accession to the "Mercosur" economic agreement.

4. The Committee also regards the steps taken by the State party to provide further training to unemployed persons as a positive development.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee notes the economic difficulties encountered by the State party, particularly the high rate of inflation, which impede the full implementation of economic, social and cultural rights.

D. Principal subjects of concern

6. The Committee is concerned by the apparent lack of measures to enable workers' and employers' organizations to participate in the discussions on the determination of minimum wages for public-sector employees and agricultural workers for the period 1990-1994.

7. The Committee would welcome clarification of the restrictions on the right to strike introduced by Act No. 13,720 of December 1968, as amended by Decree-Law No. 14,781 of 8 June 1978, and would like to have further details of the application of those provisions between the return to democracy and 1994. It would also like to be informed of any bill regulating the exercise of the right to strike, since paragraph 104 of the State party's report indicated that such a bill would be submitted shortly.

8. The Committee would also appreciate additional information on the measures taken to raise the minimum working age and to prevent or combat the exploitation of child labour. To that end, it would welcome information on the actual situation regarding the distribution of free school meals and the concrete measures taken to reduce truancy.

9. With regard to the implementation of article 11 of the Covenant, and more particularly the right to housing, the Committee is concerned by the shortage of housing in relation to demand and the high level of rents, particularly affecting the most vulnerable groups of society. It would like to have additional information on these two points.

10. The Committee is also concerned by the standard of living of persons in rural areas, particularly those close to borders with neighbouring countries, and would welcome further information on their full access to economic, social and cultural rights.

11. The Committee is concerned about the impact of inflation on the enjoyment of an adequate standard of living. The Committee would like to receive specific information on the evaluation of average wage rates in relation to the cost of living since 1990.

12. The Committee also considers that it has not been given enough information on access to health, drinking water, care and education by minority groups living in Uruguay, as well as access by such groups to various types of employment, inter alia in the public service.

13. The Committee is greatly concerned by the serious deterioration of teachers' salaries in terms of purchasing power, by the conflictual nature of relations between teachers and the State and by the apparent ineffectiveness of the measures taken to remedy that situation.

E. Suggestions and recommendations

14. In light of the information submitted by the delegation and of other available sources, the Committee considers that Uruguay is making appreciable efforts to observe the economic, social and cultural rights provided for in the Covenant. However, the report submitted by the State party is not sufficiently precise and is incomplete to give a comprehensive account of those efforts. Consequently, the Committee would like to receive supplementary replies to the questions raised in part D of the conclusions.

15. In addition, the Committee would like the State party to consider the possibility of ratifying the Protocol of San Salvador additional to the American Convention on Human Rights.

16. The Committee urges the State party to take measures to eliminate all forms of discrimination. In this connection it draws the Government's attention to its General Comment No. 3 (1990) dealing with the nature and scope of State party's obligations under the Covenant.

17. With respect to the implementation of article 7 of the Covenant, and in the light of the comments made by the ILO on compliance with the requirements of the Minimum Wage Fixing Convention, No. 131, the Committee calls upon the State party to take steps with a view to fixing the national minimum wage for agricultural workers and public-sector employees in consultation with employers' and workers' representatives.

18. The Committee recommends that the State party should adopt urgent measures to increase the purchasing power of teachers' salaries and take that recommendation into account in the next budget of the national five-year plan.

19. The Committee urges the State party to take steps to improve health care for people living in areas distant from the capital, in particular by extending its primary health care programme.